

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANCIS J. HARVEY, JR. and
JEAN P. WILHELM.

cc: M.A.C.
USDC SDNY
DOCUMENT
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Civil Action No.

Plaintiffs.

(7cv6763(aw))

-against-

320 OWNERS CORP. and CHARLES LOWERY,
in his capacity as President of 320 Owners Corp..

Defendants

X

**ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING ORDER**

Upon the affidavit of FRANCIS J. HARVEY, JR. sworn to on the 26 day of July
2007, and upon a copy of the complaint annexed hereto, it is,

ORDERED that the defendants 320 OWNERS CORP and CHARLES LOWERY,
in his capacity as president of 320 OWNERS CORP., show cause before a motion term
of this Court, at Room _____ of the United States Courthouse, 500 Pearl Street, New York,
New York July _____ 2007, at _____ o'clock in the _____ noon thereof, or as soon
thereafter as counsel can be heard, why an order should not be issued pursuant to Rule 65
of the Federal Rules of Civil Procedure enjoining the defendant during the pendency of
this action from:

*The request for
the TRO is denied
on the ground that
Plaintiffs have not
demonstrated a
probability of success
on the merits or, indeed, as to the presence of jurisdiction.*

Commencing or continuing to prosecute in any Court of the State
or City of New York an action to terminate the tenancy of the
Plaintiffs, obtain possession of the Plaintiffs' apartment, to
compel Plaintiffs to sell the shares they own in the Defendant

SO ORDERED

Loretta A Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

July 30, 2007